

1 IN THE UNITED STATES DISTRICT COURT

2 FOR THE DISTRICT OF OREGON

3 FEREYDUN TABAIAN and AHMAD)
4 ASHRAFZADEH,)

5 Plaintiffs,)

6 vs.)

7 INTEL CORPORATION,)

8 Defendant.)

No. 3:18-cv-00326-HZ

June 27, 2018

Portland, Oregon

15 **TELEPHONIC HEARING**

16 TRANSCRIPT OF PROCEEDINGS

17 BEFORE THE HONORABLE MARCO A. HERNANDEZ

18 UNITED STATES DISTRICT COURT JUDGE
19
20
21
22
23
24
25

APPEARANCES

FOR THE PLAINTIFF:

Jeffrey S. Love
Mark W. Wilson
Klarquist Sparkman LLP
121 S. W. Salmon Street
Suite 1600
Portland, OR 97204

Howard L. Close
Kathleen S. Rose
Patrick B. McAndrew
Wright Close & Barger, LLP
One Riverway
Suite 2200
Houston, TX 77057

Luke Motley, IV
Law Offices of Luke Motley, IV PC
111 s. Travis Street
Sherman, TX 75090

FOR THE DEFENDANT:

Renee E. Rothauge
Markowitz Herbold PC
1211 S. W. Fifth Avenue
Suite 3000
Portland, OR 97204-3730

Michael J. Summersgill
Jordan L. Hirsch
Wilmer Cutler Pickering Hale and Dorr LLP
60 State Street
Boston, MA 02109

ALSO PRESENT:

Mashood Rassam, Intel counsel

COURT REPORTER:

Nancy M. Walker, CSR, RMR, CRR
United States District Courthouse
1000 S. W. Third Avenue, Room 301
Portland, OR 97204
(503) 326-8186

1 P R O C E E D I N G S

2 THE CLERK: Good morning. This is the matter of
3 Tabaian, et al. versus Intel Corporation, Case No. 18-cv-326,
4 Judge Hernandez presiding.

5 This is the time set for a Rule 16 conference.
6 Please note we have a court reporter present, so please
7 identify yourself each time you speak.

8 Counsel, please tell me who all is on the record,
9 starting with the plaintiff.

10 MR. CLOSE: Good morning, Your Honor. This is Howard
11 Close with Wright Close & Barger in Houston, Texas.

12 MR. MOTLEY: This is Luke Motley with Luke Motley, IV
13 PC.

14 MR. LOVE: Jeff Love with Klarquist Sparkman, and
15 also Mark Wilson with Klarquist Sparkman.

16 MR. McANDREW: And additionally, Your Honor, Patrick
17 McAndrew and Kathleen Rose with Wright Close & Barger in
18 Houston.

19 THE CLERK: And for defendant?

20 MS. ROTHAUGE: Good morning. For Intel, I am Renee
21 Rothauge of Markowitz Herbold. I'm joined by Michael
22 Summersgill of Wilmer Hale, lead trial counsel; Jordan Hirsch
23 of Wilmer Hale; and Mashhood Rassam, Intel.

24 THE COURT: Good morning.

25 MR. SUMMERSGILL: Good morning, Your Honor.

1 THE COURT: Good morning. This is Judge Hernandez.

2 We're here to try to put together a schedule for you
3 leading up to a *Markman* hearing. I know that you are asking
4 that -- I think -- that we use Western Washington's local
5 rules regarding patent.

6 Are both sides asking that I do that, turning first
7 to the plaintiff?

8 MR. CLOSE: Yes, Your Honor. We are.

9 THE COURT REPORTER: This is the reporter. I'm going
10 to remind you, I don't know who is speaking.

11 MR. CLOSE: Yes, ma'am. I apologize. This is Howard
12 Close.

13 Yes, we are, Your Honor.

14 THE COURT: Thank you.

15 And is the defense in agreement with that?

16 MR. SUMMERSGILL: Your Honor, this is Michael
17 Summersgill.

18 And, no, we are not in agreement on that. Our
19 understanding, based on having been in this jurisdiction
20 before and speaking with Ms. Rothauge, is that typically the
21 Courts apply, you know, a particular course that's appropriate
22 for a given case, and that's one of the reasons why patent
23 local rules have not been adopted. And we think that's
24 particularly appropriate for this case, and that's why we
25 disagree with that.

1 And I can get into that whenever it's appropriate,
2 Your Honor.

3 THE COURT: No. That's okay. I like to do whatever
4 I want to do anyway, so don't worry about it.

5 (Laughter.)

6 THE COURT: All right. So then let's talk about what
7 we need to accomplish together between now and your *Markman*
8 hearing.

9 And I want to first turn to the plaintiff. And on my
10 list of things to do are figuring out the infringement and
11 invalidity contentions, disclosing -- disclosure of claims to
12 construe and the terms to construe. My job will be to limit
13 the number of those claims and terms to construe so that you
14 don't drive me crazy by giving me too many.

15 As I understand it, there's only one patent in issue
16 and one claim in issue. So let's confirm that.

17 MR. CLOSE: There's one independent claim, Your
18 Honor, and I think there's 18 dependent claims, but there's
19 only one independent claim at issue.

20 THE COURT: Oh, okay. All right.

21 And then we need to kind of take into
22 consideration -- I'm not familiar with the technology. It's
23 described to me in a way that makes it so that I generally
24 understand what it does, but I'm sure that at some point it
25 may become more technical than I'm familiar with. And so one

1 of the things to keep in the back of your minds is if this
2 technology is that, how you're going to educate me in a way
3 that is understandable.

4 So let's start at the beginning, and I'm turning to
5 the plaintiffs and your list of things that need to be
6 accomplished and the schedule that you think you will need in
7 order to get those things accomplished.

8 MR. CLOSE: Certainly, Your Honor. This is Howard
9 Close for the plaintiffs.

10 We've worked with the other side on the various
11 issues in the Rule 26 order. And basically there's a couple
12 of things that we have disagreement on, and those are the
13 things I think we need to get accomplished with the Court
14 today.

15 One of them is we would like to get discovery so that
16 we could be able to -- so that the Court would know, when it's
17 evaluating the claim terms, basically how this all fits
18 together, whether what we're saying our patent does matches
19 what they say their product does.

20 We've proposed some discovery. We have a
21 disagreement on the timing of that discovery, but we think we
22 need to get that done.

23 We have a disagreement on deposition limitations.
24 We had talked about an hour limit. The other side had talked
25 about a specific number of depositions and specifically

1 limiting us to a specific number of depositions for Intel. We
2 just weren't able to agree on that point.

3 And then the third thing is a protective order.
4 We're working on a protective order. We had a conference call
5 with defendants today on a proposed way to try to work out a
6 protective order. So we need to work out those issues so that
7 we can get this thing moving forward.

8 THE COURT: On the discovery part of it, do you have
9 agreement as to the scope of discovery and what it will -- you
10 know, what it's going to include and what it's not going to
11 include?

12 MR. CLOSE: I don't -- I don't know if we have --

13 UNIDENTIFIED SPEAKER: We haven't discussed it.

14 MR. CLOSE: We haven't really discussed scope so
15 much. It's more of the timing, Your Honor, that we've been
16 having a hard time agreeing on. We'd like to have discovery
17 of -- some basic core discovery about the product at issue so
18 that we can make sure, when we're trying to talk to you about
19 what claim terms we need to construe and things like that, we
20 know whether that's important or not, based on the product at
21 issue.

22 We're not trying to discover all types of outside
23 things. In fact, we're fine with pushing off, you know,
24 discovery on damages and things like that, since we're not
25 worried about those, as opposed to focusing in on whether or

1 not the product that Intel makes infringes on our patent.

2 And so that's, I think, the only scope issues that
3 we've really talked about.

4 THE COURT: And have you figured out -- and maybe you
5 believe that your claim does it sufficiently, but what the
6 specific infringement contentions are?

7 MR. CLOSE: We're --

8 UNIDENTIFIED SPEAKER: We're working on that.

9 MR. CLOSE: We're working on that. But we think that
10 we need -- there are certain -- you know, all we have are what
11 we know about our patent and what we know about the Intel
12 product from publicly available data. But we don't have the
13 specific data that's necessary to make sure that we're
14 accurately describing how the Intel product infringes on our
15 particular patent.

16 THE COURT: So what you're saying is you need
17 discovery in order to define for the defendant what the
18 specific infringement contentions are.

19 MR. McANDREW: Yes, Your Honor. This is Patrick
20 McAndrew, also for the plaintiffs.

21 And what we really would like to do is to be able to
22 have some discovery take place prior to the claim construction
23 that occurs. And this kind of requires us to do some
24 discovery on the accused device so we know what claim terms
25 need resolution and what issues really are valid, mainly so we

1 don't ask you to construe a term without guidance and, you
2 know, essentially have the Court improperly issue some sort of
3 advisory opinion.

4 We would like to have the discovery take place early
5 on. And if we can do that, I think, you know, we can move
6 towards a greater understanding by both sides of what issues
7 are valid and whether or not, you know, as the defendants
8 contend, the case can be disposed of on summary judgment.
9 We'd like to know that very quickly.

10 THE COURT: What kinds of things are you going to be
11 asking for?

12 MR. McANDREW: Sure. You know, Your Honor, we
13 exchanged, both sides -- I'm sorry. Again, this is Patrick
14 McAndrew.

15 We exchanged initial discovery and we sent the
16 plaintiffs one -- the defendant one interrogatory that
17 requests them to identify schematics and other design
18 documents that they contend support their non-infringement
19 allegations that are listed in its Answer and Counterclaim and
20 describe how those support the allegations.

21 We additionally sent a number of requests for
22 production that cover a lot of those issues as well, and Intel
23 has propounded discovery on us as well. Those responses are
24 due on Monday.

25 And, as Mr. Close said, we had an initial

1 conversation today with counsel for Intel regarding the
2 protective order and trying to get closer to where we are,
3 where the parties currently are. And we proposed to go back
4 and speak again early next week.

5 You know, one possibility, Your Honor, could be that
6 we allow the parties to try to work out the protective order
7 and do some discovery and schedule another Rule 16 conference
8 a little bit down the road, that then once we have a better
9 understanding of where we are, we can really lay out the road
10 map to get to the *Markman* hearing.

11 THE COURT: Okay. Thank you.

12 Let me hear from the defendants.

13 MR. SUMMERSGILL: Thank you, Your Honor. This is
14 Michael Summersgill.

15 A couple of things. Let me start with the last point
16 Your Honor made about at some point giving you a helpful
17 understanding of the technology. I'm sure the parties can
18 work together, as we've done in other cases, to put together a
19 tutorial where we can walk through the technology.

20 As far as these cases go, the technology in this case
21 is relatively straightforward. It's about a particular type
22 of voltage regulator which, as its name suggests, it's
23 something that regulates voltage and does it in a particular
24 way. But I think we can work with the other side maybe to
25 make proposals on a tutorial ahead of the claim construction.

1 There is no dispute that we'll be producing
2 discovery, and we're working on that right now. We're working
3 on getting our -- collecting our documents and getting them
4 ready for production. But the suggestion that the plaintiffs
5 need to delay the claim construction process until after they
6 have our documents is just inconsistent with Federal Circuit
7 law.

8 As Your Honor is aware, the *Phillips* case, the
9 Federal Circuit *Phillips* case, dictates or provides rules for
10 claim construction. And claims are supposed to be construed
11 based on the plain language of the claims, the patent
12 specification, and the file history. The operation of our
13 products is completely irrelevant to the -- to the proper
14 construction of the claims.

15 Now, Your Honor, the two primary disputes, from our
16 perspective, on the scheduling issues relate to the timing of
17 claim construction and then the timing of the infringement and
18 invalidity contentions. And what we've proposed is -- is a
19 schedule that brings the claim construction process a little
20 bit earlier in the schedule, and it's a schedule that
21 proposes infringement and invalidity contentions that actually
22 have some teeth, that mean something. And we have proposed
23 that because we think this is a case that is susceptible to
24 early resolution. And let me explain why we -- why we think
25 that.

1 The patent is directed, as I said, to a particular
2 type of voltage regulator. It's a voltage regulator that uses
3 temperature data to make certain adjustments, without getting
4 into the details, but it's using temperature data to adjust
5 what are called feedback loops, both a circuit feedback loop
6 and a voltage droop feedback loop.

7 Intel simply does not do that. We've spoken to the
8 Intel engineers. Intel doesn't do that. And so we think that
9 once the claims are construed, plaintiffs will not have a
10 basis for asserting infringement. We don't think there is an
11 infringement argument under any plausible construction of the
12 claims.

13 And so our proposals are designed to get the claims
14 construed as early as possible and to get the parties'
15 positions out in front as early as possible so that we can see
16 what the real disputes are and we can set the case up for
17 possible early resolution.

18 Now, so our -- on the claim construction issue, we're
19 proposing that the parties propose terms for construction on
20 July 13, propose construction by August 10, and then the
21 completion of claim construction briefing by November 21st.

22 And we'd submit, Your Honor, that this proposal is
23 more efficient than the plaintiffs' proposed for three
24 reasons. One, it's going to make discovery more efficient.
25 Of course, the issues of infringement and invalidity often

1 depend in part on claim construction, on the scope of the
2 claims. And if we know what the parties' positions are on
3 claim construction and then have the Court's ruling on claim
4 construction sooner rather than later, we can focus the
5 discovery on the issues that are relevant under that
6 construction.

7 Second, as I said, we think this case is susceptible
8 to early resolution. And resolving the claim construction
9 early will clarify the scope of the claims and we believe show
10 that they can't make out a case of infringement, so it will
11 set the case up for early summary judgment.

12 And there's a host of cases out there, some of which
13 we cited in our section of the 26(f) report, which talk about
14 the -- the benefit of doing an earlier claim construction in
15 cases such as this, the *Lexos Media IP* case that we cited, the
16 *MyMedical Records* case that we cited.

17 And there's an additional case. It's a District of
18 Delaware case from 2016, the *MorphoSys AG v. Janssen Biotech*
19 case. And I think it provides a nice sort of explanation of
20 why this is important. The Court there granted early claim
21 construction where the claim terms at issue were relevant to
22 every claim; and that's, of course, true here because there's
23 only one independent claim. It appeared possible that if the
24 defendant's proposed constructions are adopted, those
25 constructions will ultimately be case dispositive. We believe

1 that to be true here. And there's not much discovery required
2 for the claim construction process. And, again, we believe
3 that's true here because their claims, under *Phillips*, are
4 supposed to be construed based on the intrinsic evidence, the
5 patent and the file history.

6 And the third piece I'd say about doing claim
7 construction according to our schedule is that there's no
8 reason that we can't do it. You know, the plaintiff certainly
9 had to have a basis before they filed this case, both an
10 understanding of their own patent and a basic if not more
11 developed understanding of what we do and why they believe we
12 infringe. And they have all of the information they need now
13 to construe the claims of their own patent. As I said, what
14 our products do is irrelevant to the construction of the
15 claims.

16 So for all of those reasons, we think it makes more
17 sense and would be much more efficient to adopt our claim
18 construction proposal.

19 THE COURT: Do you anticipate having any experts
20 testifying regarding claim construction, you know, telling me
21 that a person of ordinary skill in the art is going to look at
22 this particular term in a particular way?

23 MR. SUMMERSGILL: Your Honor, this is Michael
24 Summersgill again.

25 You know, not necessarily. It's not always the case.

1 And, as I said, it's the intrinsic evidence that is relevant.

2 Now, if the plaintiffs were to submit a declaration
3 from an expert taking positions that we think are contrary to
4 what one of ordinary skill in the art would say, in that
5 situation we would certainly want to submit a responsive
6 declaration. But, you know, typically we try to avoid expert
7 declarations for claim construction because, again, it's the
8 intrinsic evidence that's supposed to be relevant.

9 MR. LOVE: Your Honor, this is Jeff Love.

10 May I just respond to the issue about the need for
11 discovery before the claim construction process?

12 THE COURT: Sure.

13 MR. LOVE: Yes. This is Jeff Love for the
14 plaintiffs.

15 I'd refer the Court to the lead case on the
16 helpfulness of discovery and evidence about the accused
17 product to the claim construction process, which is *Wilson*
18 *Sporting Goods v. Hillerich & Bradsby*, 442 F.3d 1322, 1326 and
19 1327. It's a 2006 Federal Circuit case.

20 And just what that case states is that knowledge of
21 the "product or process provides meaningful context for the
22 first step of the infringement analysis," which is claim
23 construction. And it's "convenient for the court to
24 concentrate on those aspects of the claim whose relation to
25 the accused device is in dispute."

1 And I have before me several other cases that have
2 followed that, and we cited that as well, bench Circuit cases.

3 And, you know, the point is that what the defendants
4 have proposed is going into claim construction blind, without
5 the -- without the Court having the benefit or the plaintiffs
6 having the benefit of knowing what's really in factual
7 dispute. Because the point of claim construction is not an
8 abstract exercise of just looking at the patent and the file
9 history and the intrinsic evidence as what's said. The point
10 is to do that in order to facilitate resolution of disputes
11 relevant to infringement and invalidity.

12 And that's why to just be forced to choose, for
13 example, claim terms to construe, when the plaintiffs have had
14 not the benefit of looking at the documents that the
15 defendants have in hand -- they just told you they talked to
16 their experts at Intel, or engineers, and their Intel
17 engineers tell them that "We don't infringe for several
18 reasons." And Monday is their deadline for where they should
19 be producing the pertinent information.

20 You know, and so what we ought to do is make sure
21 that we get that information so that the plaintiffs can
22 understand what's in dispute factually. And then we can
23 tailor the selection of claim terms accordingly so that when
24 the Court goes through the exercise to construe them, it will
25 have a much, much better chance of actually resolving the

1 disputes.

2 And with respect to the documents that we need, my
3 understanding is that the defendants are prepared to produce
4 RTL-level source code and then also schematics that will
5 include, you know, a full description of what's at issue in
6 the case, which is this voltage regulator.

7 We have asked for them, in our interrogatories, to
8 identify the particular pages, essentially, of those two types
9 of documents -- the source code and the schematics -- that are
10 actually pertinent to the non-infringement defenses that they
11 rely on. Until they give us an interrogatory response that
12 does that -- I think we're talking about, you know, a
13 relatively few pages that are going to be answering that
14 question. And, again, they asked for an extension to Monday,
15 but not beyond that. We understand that they should be
16 prepared to produce those on Monday.

17 We've got to work out the protective order issue.
18 We're agreeable to the Court's standard two-tier protective
19 order, but they want some heightened protection. If they
20 could just produce those documents now, subject to the Court's
21 two-tier protective order, while we're working out other
22 issues, that's the best way to get ready for an early claim
23 construction.

24 But to set a schedule before we've got the documents
25 or know how long it's going to take us to get those documents

1 that Intel has in hand and they're already saying, you know,
2 that their engineers have identified what's really at issue,
3 that makes no sense.

4 MR. SUMMERSGILL: Your Honor, this is Michael
5 Summersgill. May I respond to a couple of those points?

6 THE COURT: Sure.

7 MR. SUMMERSGILL: The first thing is we actually
8 aren't the ones that asked for the extension. Plaintiffs
9 asked for a two-week extension, and we agreed with it. So we
10 didn't ask for the extension.

11 Second, we're familiar with the *Wilson Sporting Goods*
12 case. And I think it's important to note that *Wilson* doesn't
13 say that you look to the defendant's products to determine the
14 proper construction of the claims. It doesn't say that at
15 all. *Phillips* and all of the claim construction cases
16 are -- are construed based on the claims, the specification,
17 and the file history. And, in fact, the *Wilson* case itself
18 says, "This court, of course, repeats its rule that 'claims
19 may not be construed with reference to the accused device.'"

20 So that's -- so the *Wilson* case doesn't say that
21 discovery regarding a defendant's products are necessary. It
22 says claims are not to be construed with respect to the
23 accused device.

24 Sometimes understanding what is at dispute can help
25 focus the claim construction dispute and what terms to choose.

1 But, you know, we've done a little bit of that already with
2 them, both in meet and confers and on this conference. We've
3 said, among other things, we don't use temperature data in the
4 particular way that's required by these claims.

5 And, you know, so -- and typically plaintiffs don't
6 often propose many terms for construction. So I think this is
7 a little bit of a red herring. We would propose somewhere
8 between five and seven terms for construction. We're prepared
9 to do that immediately. We're prepared to exchange proposed
10 claim constructions according to the schedule and proceed with
11 the claim construction process. And that will, I think, very
12 clearly focus and narrow the issues.

13 And, you know, if the plaintiffs can now tell you
14 and tell us how they believe we use temperature data as
15 required by the claims, then -- you know, then maybe we don't
16 have as much of a position here. But we know, based on our
17 discussions with our engineers, that we don't do that.

18 And, finally, Mr. Love's suggestion that we can
19 simply, you know, very quickly go out and collect and produce
20 all of the documents is just not realistic. We're working on
21 that, but there are a lot of different places to look.
22 There's a lot of source code. We've got to get through the
23 source code, find the relevant parts, find the relevant
24 documents. We're working diligently, but it's a massive and
25 expensive process.

1 And, frankly, that's one of the reasons why we want
2 to have an early claim construction process, to reduce
3 that -- reduce that burden. But the suggestion that we can
4 simply just go over to Intel, get the documents, and produce
5 them right away is just simply not realistic.

6 THE COURT: Is it the --

7 MR. LOVE: Your Honor, Jeff Love. May I respond?

8 THE COURT: No. Hang on a second. It's my turn.

9 Turning to the defendants, is it the defendant's
10 contention that the only issue right now is that the
11 technology that the plaintiffs are suggesting that the defense
12 used is not technology that the defendants are using? Is that
13 your defense, or are there other things floating around out
14 there that you haven't gotten to yet?

15 MR. SUMMERSGILL: We -- our position, Your Honor, is
16 we don't use the system that's described in the claims of the
17 '944 patent. We also believe the claims are invalid and that
18 the claim construction, I think, would clarify both of those
19 issues.

20 THE COURT: And have you described for the plaintiffs
21 specifically how you think their claims are invalid?

22 MR. SUMMERSGILL: We haven't yet. And the reason we
23 haven't yet is because, again, it's their burden to come
24 forward first with infringement contentions. In fact, we both
25 agreed to that in the schedule; that is, their infringement

1 contentions should come before our invalidity contentions.
2 But we're certainly prepared to present our invalidity
3 contentions once they've presented their infringement
4 contentions.

5 And one of the reasons for that, Your Honor, is
6 because sometimes the invalidity argument depends in part on
7 the infringement contention. If they take a very broad view
8 of their patent and say, "It covers A, B, C, D, and E," we may
9 disagree with that, but we then may say, "Okay. Well, A, we
10 just disagree with that. B, our products don't do that. And,
11 C, even if you're right that your patent covers that, then you
12 cover the prior art and the patent is invalid."

13 So that's why, you know, in these local patent rules
14 and in typical patent cases, when you have contentions, the
15 invalidity contentions follow the infringement contentions.

16 THE COURT: And what the plaintiff is telling me is
17 that they're not quite ready to tell you specifically what
18 their infringement contentions are because they're not certain
19 what your technology does.

20 MR. SUMMERSGILL: And, Your Honor -- again, this is
21 Michael Summersgill.

22 Just to clarify, looking at our whole schedule, the
23 sequence -- the relevant sequence here is the parties propose
24 terms for construction. The parties propose proposed
25 constructions. In late August we produce our technical

1 production. The claim construction -- I'm sorry. We produce
2 our documents in late August. The parties then engage in
3 claim construction briefing. And then in the fall we
4 have -- we have infringement contentions and invalidity
5 contentions.

6 So they would have our technical production before
7 claim construction briefing is submitted. So they'd have that
8 if they need it. As I said, I don't think they should need
9 it, but they would have it. And they would have our technical
10 production before they're required to submit their
11 infringement contentions.

12 THE COURT: And I'm sorry. I'm looking at your
13 schedule, and you're saying that all of that information is
14 going to be disclosed when?

15 MR. SUMMERGILL: All -- so, Your Honor, just in
16 terms of the relevant claim construction and contention dates,
17 we would -- according to our schedule, disclosure of asserted
18 claims would come -- we had June 22. That would obviously
19 have to be pushed back. We propose July 13. Parties would
20 propose terms for construction on July 13. Parties would
21 propose actual constructions August 10. We would then
22 complete our technical production, sufficient to show how our
23 products operate, by August 31st.

24 Plaintiffs would submit their infringement
25 contentions on October 26th. We would submit our invalidity

1 contentions on December 21. And, actually, claim construction
2 briefing would be completed by November 21.

3 So the parties -- so at a high level, the parties
4 propose the terms and -- the terms proposed for construction
5 first. We then complete our technical document production.
6 They -- they give us their infringement contentions. We
7 engage in the claim construction process, and we give them our
8 invalidity contentions.

9 THE COURT: All right. Thank you.

10 I know the plaintiffs wanted to respond. Go ahead.

11 MR. LOVE: Thank you, Your Honor. This is Jeff Love.

12 With respect to *Wilson Sporting Goods*, again, the
13 point the Court emphasized -- so, for example, the holding by
14 that Court is that "despite entry of a final judgment, neither
15 the trial court nor the parties supplied this court with any
16 information about the accused products. Thus, this record
17 affords this court no opportunity to compare the accused
18 products to the asserted claims." And "this sparse record
19 lacks the complete context for accurate claim construction."

20 So, I mean, two things are being conflated by the
21 defendant. One of them is whether information about the
22 accused products is going to determine the substance of the
23 construction the Court makes. And the point that *Wilson*
24 *Sporting Goods* and other cases point out is, no, that's going
25 to be based on the patent. But the substance of the accused

1 product is going to inform the Court and the parties what's at
2 issue.

3 So, for example, if they say, "Well, we don't use
4 temperature the way claimed in the patent," and then it turns
5 out they measure in Centigrade and they want to argue that the
6 patent is limited to Fahrenheit, you know, we need to know in
7 advance what the issue is going to be, whether Centigrade and
8 Fahrenheit matter. And that's true with every aspect of claim
9 construction, so that we're -- so that we have an opportunity
10 to ask the Court for constructions that matter.

11 You know, the other thing is they're proposing, you
12 know, essentially hiding the ball on their non-infringement
13 theory for months. They say they know what the
14 non-infringement theory is. They say they've talked to their
15 engineers and they're fully informed on that.

16 We've got an interrogatory response due Monday. At a
17 minimum, even if they can't find all the documents supporting
18 that theory, they can produce an interrogatory response that
19 lets us know, you know, for example, "Well, we have a
20 temperature sensor, but it doesn't do exactly what we think
21 the claim requires because it does A, B, and C." They can
22 just spell that out to us and they can produce what documents
23 they do have in hand.

24 THE COURT: Thank you.

25 I'm not ready right now to set forth what the

1 appropriate schedule is going to be in this case. I want to
2 get back together with you all in about 10 days. I'm going to
3 look at my calendar really quickly. I'm going to tell you
4 what day and time that's going to be.

5 In the meantime, I will read -- I'll take a look at
6 *Wilson*. I haven't read that, at least not recently. So I'll
7 take a look at that case. And then I'll be ready to set forth
8 a schedule the next time we visit with each other. I think I
9 understand the parameters of each side's argument.

10 So hang on just a moment.

11 (There is a brief pause in the proceedings.)

12 THE CLERK: 2:00 on July 9th.

13 THE COURT: July 9th at 2:00. Does that work for
14 plaintiff?

15 Well, it must. You have a lot of lawyers there.
16 Certainly somebody can be there by that date.

17 MR. CLOSE: Yes, Your Honor. We'll make sure that
18 works for us. This is Howard Close.

19 What time, Your Honor?

20 THE COURT: 2:00.

21 MR. CLOSE: Okay.

22 THE COURT: How about for defense?

23 MR. SUMMERSGILL: Your Honor, this is Michael
24 Summersgill. We're just pulling up -- you said July 9 at
25 2:00 p.m. Pacific?

1 THE COURT: Yeah, sorry about that. Yeah, Pacific.

2 MR. SUMMERSGILL: Yes, we can do that. Yes, that
3 works for us.

4 I'd just note for Mr. Rassam, who is on the line,
5 that we may have to adjust something, but I think -- I think
6 we can make that work.

7 THE COURT: We're not really talking about merits.
8 We're talking about scheduling right now.

9 MR. SUMMERSGILL: Okay. Thank you, Your Honor.

10 THE COURT: All right.

11 MR. SUMMERSGILL: Your Honor, I didn't know if you
12 were planning on -- if we're ending it now, if there are other
13 issues. I think it might be productive to talk about the
14 infringement and validity contentions issue as well, just to
15 lay the groundwork for our next discussion, but if you'd
16 prefer to wait, obviously we can wait.

17 THE COURT: Well, if you have something on your mind,
18 now is a good time to let me now.

19 MR. SUMMERSGILL: All right. Thank you, Your Honor.
20 Again, this is Michael Summersgill.

21 So the parties have set forth different proposals on
22 the timing and schedule of infringement and invalidity
23 contentions. But the primary dispute there is it really gets
24 at how meaningful contentions will be. And it's our view that
25 the parties should be required to state the real positions in

1 their contentions and not simply an initial theory that
2 continues to evolve throughout the case.

3 And so, for instance, I have said, you know, we don't
4 use temperature data in the manner required by the claims.
5 We'd like to see the plaintiffs' position as to why they think
6 we do. And Mr. Love, in a number of instances, has referred
7 to our need to come forward with our non-infringement
8 defenses. I think he's got it backwards. They have the
9 burden on infringement and the burden of showing how we meet
10 these claims.

11 And the dispute really is over whether when a party
12 makes contentions, whether those contentions are final or
13 whether you really can have an opportunity to amend repeatedly
14 as the case goes forward.

15 We have proposed a schedule where they have
16 infringement contentions on October 26th, final invalidity
17 contentions on December 26th. And then there can be
18 amendments to those contentions, but only based on information
19 that was not available at the time the contentions were
20 submitted.

21 And I think that that approach is -- would be more
22 productive and more efficient for a couple of reasons. One,
23 it has the parties preparing -- it is tied into the claim
24 construction discussion we just had. It has the parties
25 preparing contentions after knowing what the other side's

1 proposed constructions are. Because infringement and validity
2 turn in part on claim construction, it makes sense to know
3 what the parties' proposed constructions are before you do
4 contentions. Otherwise, once you know a party's construction,
5 you have to narrowly redo the contentions. And it gives both
6 parties -- and we're not looking for this -- but it gives both
7 parties the opportunity to just completely change their theory
8 under the guise of "Oh, well, we now know what the other
9 side's constructions or proposed constructions are."

10 Second, requiring that these be real positions, where
11 you can only amend them based on new information, prevents
12 what we refer to as the "shifting sands" approach to
13 litigation. You know, by allowing one set of contentions now
14 and then amendments after claim construction, even where
15 parties had proposed those claim constructions that were
16 adopted, and then not put putting any limitations on further
17 amendments just invites the parties to continually evolve
18 their theories.

19 And Courts have repeatedly said that it's important
20 to avoid that. And there are a number that we cited in the
21 26(f) report, the *Richtek* case and the *Berger* case. But I'd
22 add the Federal Circuit's *O2 Micro* case, 467 F.3d 1355, 1356.
23 Basically what the Court said -- what the Federal Circuit said
24 in *O2 Micro* is that contentions are meaningless unless parties
25 are required to state their positions and stick to those

1 positions until and if they discover new information.

2 Plaintiffs here are trying to preserve the ability to
3 amend their contentions even based on information that was
4 already available to it and -- that was already available to
5 them. And that will just allow them to do exactly what the
6 Courts have said, which is engage in the "shifting sands"
7 approach to litigation. And so that -- that's what we'd like
8 to prevent.

9 And the third piece is, again, that our schedule
10 would have them receiving our technical production two months
11 before they would have to submit their infringement
12 contentions. And, of course, they have to have some basis for
13 bringing the suit in the first place, so there's plenty of
14 time and plenty of opportunity for them to prepare their
15 infringement contentions under our schedule.

16 THE COURT: Do the plaintiffs want to respond?

17 Don't feel compelled, by the way, to respond. But if
18 you want to, you're certainly welcome to.

19 MR. CLOSE: Your Honor, this is Howard Close. I
20 don't have too much to respond. I just would note from a
21 Texas standpoint, I wouldn't want to play Texas hold 'em with
22 these fellows. They like to keep their cards in -- but on the
23 point about good cause, I think the issue that they propose,
24 one of the disagreements we have on that, in terms of amending
25 our contentions, would obviously be that, you know, the Court

1 is familiar with and has regularly had to deal with whether
2 someone can amend things based on good cause. They propose a
3 definition of good cause, which I would prefer to just let the
4 Court make a determination of good cause if we amend
5 contentions.

6 I think we've set out the reasons why we think our
7 schedule works better than theirs, but if you want us to give
8 you any briefing, like we described, we'll be happy to do that
9 before we discuss this with you next, Your Honor.

10 THE COURT: Thank you.

11 I have used a good cause analysis previously in other
12 cases to determine whether or not someone should be allowed to
13 change their infringement contentions or not, and I doubt that
14 I'm going to approach it any differently now.

15 With that, I look forward to speaking with all of you
16 in about 10 days.

17 Is there anything else from the plaintiffs'
18 perspective we need to talk about now?

19 MR. CLOSE: Nothing from the plaintiffs, Your Honor.
20 This is Howard Close.

21 THE COURT: Thank you.

22 Anything else from the defense perspective that we
23 need to talk about now?

24 MR. SUMMERGILL: Not at this time, Your Honor.
25 Thank you.

1 THE COURT: All right. Thank you, all. See you in
2 about 10 days.

3 MR. SUMMERSGILL: Thank you.

4 MR. CLOSE: Thank you.

5

6

7 (Proceedings concluded.)

8

9

10

11

12

13

14

15

16

17

18

19

20

21

22

23

24

25

--oOo--

I certify, by signing below, that the foregoing is a correct transcript of the record of proceedings in the above-titled cause. A transcript without an original signature, conformed signature or digitally signed signature is not certified.

/s/ Nancy M. Walker

7-2-18

NANCY M. WALKER, CSR, RMR, CRR
Official Court Reporter
Oregon CSR No. 90-0091

DATE

'	4	AG [1] - 13:18 agree [1] - 7:2 agreeable [1] - 17:18 agreed [2] - 18:9, 20:25 agreeing [1] - 7:16 agreement [3] - 4:15, 4:18, 7:9 ahead [2] - 10:25, 23:10 AHMAD [1] - 1:3 al [1] - 3:3 allegations [2] - 9:19, 9:20 allow [2] - 10:6, 29:5 allowed [1] - 30:12 allowing [1] - 28:13 ALSO [1] - 2:18 amend [5] - 27:13, 28:11, 29:3, 30:2, 30:4 amending [1] - 29:24 amendments [3] - 27:18, 28:14, 28:17 analysis [2] - 15:22, 30:11 Answer [1] - 9:19 answering [1] - 17:13 anticipate [1] - 14:19 anyway [1] - 5:4 apologize [1] - 4:11 APPEARANCES [1] - 2:1 appeared [1] - 13:23 apply [1] - 4:21 approach [4] - 27:21, 28:12, 29:7, 30:14 appropriate [4] - 4:21, 4:24, 5:1, 25:1 argue [1] - 24:5 argument [3] - 12:11, 21:6, 25:9 art [3] - 14:21, 15:4, 21:12 ASHRAFZADEH [1] - 1:3 aspect [1] - 24:8 aspects [1] - 15:24 asserted [2] - 22:17, 23:18 asserting [1] - 12:10 August [5] - 12:20, 21:25, 22:2, 22:21, 22:23 available [4] - 8:12, 27:19, 29:4 Avenue [2] - 2:13, 2:20 avoid [2] - 15:6, 28:20	aware [1] - 11:8	Case [1] - 3:3 cases [10] - 10:18, 10:20, 13:12, 13:15, 16:1, 16:2, 18:15, 21:14, 23:24, 30:12 Centigrade [2] - 24:5, 24:7 certain [3] - 8:10, 12:3, 21:18 certainly [6] - 6:8, 14:8, 15:5, 21:2, 25:16, 29:18 certified [1] - 32:8 certify [1] - 32:3 chance [1] - 16:25 change [2] - 28:7, 30:13 choose [2] - 16:12, 18:25 Circuit [5] - 11:6, 11:9, 15:19, 16:2, 28:23 circuit [1] - 12:5 Circuit's [1] - 28:22 cited [5] - 13:13, 13:15, 13:16, 16:2, 28:20 claim [57] - 5:16, 5:17, 5:19, 6:17, 7:19, 8:5, 8:22, 8:24, 10:25, 11:5, 11:10, 11:17, 11:19, 12:18, 12:21, 13:1, 13:3, 13:8, 13:14, 13:20, 13:21, 13:22, 13:23, 14:2, 14:6, 14:17, 14:20, 15:7, 15:11, 15:17, 15:22, 15:24, 16:4, 16:7, 16:13, 16:23, 17:22, 18:15, 18:25, 19:10, 19:11, 20:2, 20:18, 22:1, 22:3, 22:7, 22:16, 23:1, 23:7, 23:19, 24:8, 24:21, 27:23, 28:2, 28:14, 28:15 claimed [1] - 24:4 claims [26] - 5:11, 5:13, 5:18, 11:10, 11:11, 11:14, 12:9, 12:12, 12:13, 13:2, 13:9, 14:3, 14:13, 14:15, 18:14, 18:16, 18:22, 19:4, 19:15, 20:16, 20:17, 20:21, 22:18, 23:18, 27:4, 27:10 clarify [3] - 13:9, 20:18, 21:22 clearly [1] - 19:12 CLERK [3] - 3:2, 3:19,	
'944 [1] - 20:17 'claims [1] - 18:18 'em [1] - 29:21	442 [1] - 15:18 467 [1] - 28:22		B		
/	5		backwards [1] - 27:8 ball [1] - 24:12 Barger [3] - 2:7, 3:11, 3:17 based [11] - 4:19, 7:20, 11:11, 14:4, 18:16, 19:16, 23:25, 27:18, 28:11, 29:3, 30:2 basic [2] - 7:17, 14:10 basis [3] - 12:10, 14:9, 29:12 become [1] - 5:25 BEFORE [1] - 1:17 beginning [1] - 6:4 below [1] - 32:3 bench [1] - 16:2 benefit [4] - 13:14, 16:5, 16:6, 16:14 Berger [1] - 28:21 best [1] - 17:22 better [3] - 10:8, 16:25, 30:7 between [2] - 5:7, 19:8 beyond [1] - 17:15 Biotech [1] - 13:18 bit [4] - 10:8, 11:20, 19:1, 19:7 blind [1] - 16:4 Boston [1] - 2:17 Bradsby [1] - 15:18 brief [1] - 25:11 briefing [5] - 12:21, 22:3, 22:7, 23:2, 30:8 bringing [1] - 29:13 brings [1] - 11:19 broad [1] - 21:7 burden [4] - 20:3, 20:23, 27:9		
/s [1] - 32:11	503 [1] - 2:21				
0	6		C		
02109 [1] - 2:17	60 [1] - 2:16		calendar [1] - 25:3 cards [1] - 29:22 case [33] - 4:22, 4:24, 9:8, 10:20, 11:8, 11:9, 11:23, 12:16, 13:7, 13:10, 13:11, 13:15, 13:16, 13:17, 13:18, 13:19, 13:25, 14:9, 14:25, 15:15, 15:19, 15:20, 17:6, 18:12, 18:17, 18:20, 25:1, 25:7, 27:2, 27:14, 28:21, 28:22		
1	7				
10 [5] - 12:20, 22:21, 25:2, 30:16, 31:2 1000 [1] - 2:20 111 [1] - 2:10 121 [1] - 2:3 1211 [1] - 2:13 13 [3] - 12:20, 22:19, 22:20 1322 [1] - 15:18 1326 [1] - 15:18 1327 [1] - 15:19 1355 [1] - 28:22 1356 [1] - 28:22 16 [2] - 3:5, 10:7 1600 [1] - 2:4 18 [1] - 5:18 18-cv-326 [1] - 3:3	7-2-18 [1] - 32:11 75090 [1] - 2:11 77057 [1] - 2:8				
	9				
	9 [1] - 25:24 90-0091 [1] - 32:13 97204 [2] - 2:4, 2:20 97204-3730 [1] - 2:14 9th [2] - 25:12, 25:13				
	A				
	ability [1] - 29:2 able [3] - 6:16, 7:2, 8:21 above-titled [1] - 32:5 abstract [1] - 16:8 accomplish [1] - 5:7 accomplished [3] - 6:6, 6:7, 6:13 according [3] - 14:7, 19:10, 22:17 accordingly [1] - 16:23 accurate [1] - 23:19 accurately [1] - 8:14 accused [9] - 8:24, 15:16, 15:25, 18:19, 18:23, 23:16, 23:17, 23:22, 23:25 actual [1] - 22:21 add [1] - 28:22 additional [1] - 13:17 additionally [2] - 3:16, 9:21 adjust [2] - 12:4, 26:5 adjustments [1] - 12:3 adopt [1] - 14:17 adopted [3] - 4:23, 13:24, 28:16 advance [1] - 24:7 advisory [1] - 9:3 affords [1] - 23:17				
2					
2006 [1] - 15:19 2016 [1] - 13:18 2018 [1] - 1:5 21 [2] - 23:1, 23:2 21st [1] - 12:21 22 [1] - 22:18 2200 [1] - 2:8 26 [1] - 6:11 26(f) [2] - 13:13, 28:21 26th [3] - 22:25, 27:16, 27:17 27 [1] - 1:5 2:00 [4] - 25:12, 25:13, 25:20, 25:25					
3					
3000 [1] - 2:13 301 [1] - 2:20 31st [1] - 22:23 326-8186 [1] - 2:21 3:18-cv-00326-HZ [1] - 1:4					

<p>25:12 Close [10] - 2:5, 2:7, 3:11, 3:17, 4:12, 6:9, 25:18, 29:19, 30:20 CLOSE [14] - 3:10, 4:8, 4:11, 5:17, 6:8, 7:12, 7:14, 8:7, 8:9, 25:17, 25:21, 29:19, 30:19, 31:4 close [1] - 9:25 closer [1] - 10:2 code [4] - 17:4, 17:9, 19:22, 19:23 collect [1] - 19:19 collecting [1] - 11:3 compare [1] - 23:17 compelled [1] - 29:17 complete [3] - 22:22, 23:5, 23:19 completed [1] - 23:2 completely [2] - 11:13, 28:7 completion [1] - 12:21 concentrate [1] - 15:24 concluded [1] - 31:7 conference [4] - 3:5, 7:4, 10:7, 19:2 confers [1] - 19:2 confirm [1] - 5:16 conflated [1] - 23:20 conformed [1] - 32:7 consideration [1] - 5:22 construction [55] - 8:22, 10:25, 11:5, 11:10, 11:14, 11:17, 11:19, 12:11, 12:18, 12:19, 12:20, 12:21, 13:1, 13:3, 13:4, 13:6, 13:8, 13:14, 13:21, 14:2, 14:7, 14:14, 14:18, 14:20, 15:7, 15:11, 15:17, 15:23, 16:4, 16:7, 17:23, 18:14, 18:15, 18:25, 19:6, 19:8, 19:11, 20:2, 20:18, 21:24, 22:1, 22:3, 22:7, 22:16, 22:20, 23:1, 23:4, 23:7, 23:19, 23:23, 24:9, 27:24, 28:2, 28:4, 28:14 constructions [11] - 13:24, 13:25, 19:10, 21:25, 22:21, 24:10, 28:1, 28:3, 28:9, 28:15 construe [8] - 5:12,</p>	<p>5:13, 7:19, 9:1, 14:13, 16:13, 16:24 construed [7] - 11:10, 12:9, 12:14, 14:4, 18:16, 18:19, 18:22 contend [2] - 9:8, 9:18 contention [3] - 20:10, 21:7, 22:16 contentions [42] - 5:11, 8:6, 8:18, 11:18, 11:21, 20:24, 21:1, 21:3, 21:4, 21:14, 21:15, 21:18, 22:4, 22:5, 22:11, 22:25, 23:1, 23:6, 23:8, 26:14, 26:23, 26:24, 27:1, 27:12, 27:16, 27:17, 27:18, 27:19, 27:25, 28:4, 28:5, 28:13, 28:24, 29:3, 29:12, 29:15, 29:25, 30:5, 30:13 context [2] - 15:21, 23:19 continually [1] - 28:17 continues [1] - 27:2 contrary [1] - 15:3 convenient [1] - 15:23 conversation [1] - 10:1 core [1] - 7:17 CORPORATION [1] - 1:6 Corporation [1] - 3:3 correct [1] - 32:4 counsel [4] - 2:18, 3:8, 3:22, 10:1 Counterclaim [1] - 9:19 couple [4] - 6:11, 10:15, 18:5, 27:22 course [5] - 4:21, 12:25, 13:22, 18:18, 29:12 court [6] - 3:6, 15:23, 18:18, 23:15, 23:17 COURT [36] - 1:1, 1:18, 2:19, 3:24, 4:1, 4:9, 4:14, 5:3, 5:6, 5:20, 7:8, 8:4, 8:16, 9:10, 10:11, 14:19, 15:12, 18:6, 20:6, 20:8, 20:20, 21:16, 22:12, 23:9, 24:24, 25:13, 25:20, 25:22, 26:1, 26:7, 26:10, 26:17, 29:16, 30:10, 30:21, 31:1 Court [16] - 6:13, 6:16, 9:2, 13:20, 15:15,</p>	<p>16:5, 16:24, 23:13, 23:14, 23:23, 24:1, 24:10, 28:23, 29:25, 30:4, 32:13 Court's [3] - 13:3, 17:18, 17:20 Courthouse [1] - 2:19 Courts [3] - 4:21, 28:19, 29:6 cover [2] - 9:22, 21:12 covers [2] - 21:8, 21:11 crazy [1] - 5:14 CRR [2] - 2:19, 32:12 CSR [3] - 2:19, 32:12, 32:13 Cutler [1] - 2:16</p>	<p>7:1 describe [1] - 9:20 described [4] - 5:23, 20:16, 20:20, 30:8 describing [1] - 8:14 description [1] - 17:5 design [1] - 9:17 designed [1] - 12:13 despite [1] - 23:14 details [1] - 12:4 determination [1] - 30:4 determine [3] - 18:13, 23:22, 30:12 developed [1] - 14:11 device [4] - 8:24, 15:25, 18:19, 18:23 dictates [1] - 11:9 different [2] - 19:21, 26:21 differently [1] - 30:14 digitally [1] - 32:7 diligently [1] - 19:24 directed [1] - 12:1 disagree [3] - 4:25, 21:9, 21:10 disagreement [3] - 6:12, 6:21, 6:23 disagreements [1] - 29:24 disclosed [1] - 22:14 disclosing [1] - 5:11 disclosure [2] - 5:11, 22:17 discover [2] - 7:22, 29:1 discovery [22] - 6:15, 6:20, 6:21, 7:8, 7:9, 7:16, 7:17, 7:24, 8:17, 8:22, 8:24, 9:4, 9:15, 9:23, 10:7, 11:2, 12:24, 13:5, 14:1, 15:11, 15:16, 18:21 discuss [1] - 30:9 discussed [2] - 7:13, 7:14 discussion [2] - 26:15, 27:24 discussions [1] - 19:17 disposed [1] - 9:8 dispositive [1] - 13:25 dispute [8] - 11:1, 15:25, 16:7, 16:22, 18:24, 18:25, 26:23, 27:11 disputes [4] - 11:15, 12:16, 16:10, 17:1 DISTRICT [3] - 1:1,</p>	<p>1:2, 1:18 District [2] - 2:19, 13:17 document [1] - 23:5 documents [15] - 9:18, 11:3, 11:6, 16:14, 17:2, 17:9, 17:20, 17:24, 17:25, 19:20, 19:24, 20:4, 22:2, 24:17, 24:22 done [3] - 6:22, 10:18, 19:1 Dorr [1] - 2:16 doubt [1] - 30:13 down [1] - 10:8 drive [1] - 5:14 droop [1] - 12:6 due [2] - 9:24, 24:16</p>
		D		E
		<p>damages [1] - 7:24 data [7] - 8:12, 8:13, 12:3, 12:4, 19:3, 19:14, 27:4 DATE [1] - 32:12 date [1] - 25:16 dates [1] - 22:16 days [3] - 25:2, 30:16, 31:2 deadline [1] - 16:18 deal [1] - 30:1 December [2] - 23:1, 27:17 declaration [2] - 15:2, 15:6 declarations [1] - 15:7 defendant [4] - 3:19, 8:17, 9:16, 23:21 DEFENDANT [1] - 2:12 Defendant [1] - 1:7 defendant's [4] - 13:24, 18:13, 18:21, 20:9 defendants [8] - 7:5, 9:7, 10:12, 16:3, 16:15, 17:3, 20:9, 20:12 defense [5] - 4:15, 20:11, 20:13, 25:22, 30:22 defenses [2] - 17:10, 27:8 define [1] - 8:17 definition [1] - 30:3 Delaware [1] - 13:18 delay [1] - 11:5 dependent [1] - 5:18 deposition [1] - 6:23 depositions [2] - 6:25,</p>		<p>early [12] - 9:4, 10:4, 11:24, 12:14, 12:15, 12:17, 13:8, 13:9, 13:11, 13:20, 17:22, 20:2 educate [1] - 6:2 efficient [4] - 12:23, 12:24, 14:17, 27:22 emphasized [1] - 23:13 ending [1] - 26:12 engage [3] - 22:2, 23:7, 29:6 engineers [6] - 12:8, 16:16, 16:17, 18:2, 19:17, 24:15 entry [1] - 23:14 essentially [3] - 9:2, 17:8, 24:12 et [1] - 3:3 evaluating [1] - 6:17 evidence [5] - 14:4, 15:1, 15:8, 15:16, 16:9 evolve [2] - 27:2, 28:17 exactly [2] - 24:20, 29:5 example [4] - 16:13, 23:13, 24:3, 24:19 exchange [1] - 19:9 exchanged [2] - 9:13, 9:15 exercise [2] - 16:8, 16:24 expensive [1] - 19:25 expert [2] - 15:3, 15:6 experts [2] - 14:19, 16:16</p>

<p>explain ^[1] - 11:24 explanation ^[1] - 13:19 extension ^[4] - 17:14, 18:8, 18:9, 18:10</p>	<p>full ^[1] - 17:5 fully ^[1] - 24:15</p>	<p>29:19, 30:9, 30:19, 30:24 HONORABLE ^[1] - 1:17 host ^[1] - 13:12 hour ^[1] - 6:24 Houston ^[3] - 2:8, 3:11, 3:18 Howard ^[7] - 2:5, 3:10, 4:11, 6:8, 25:18, 29:19, 30:20</p>	<p>interrogatories ^[1] - 17:7 interrogatory ^[4] - 9:16, 17:11, 24:16, 24:18 intrinsic ^[4] - 14:4, 15:1, 15:8, 16:9 invalid ^[3] - 20:17, 20:21, 21:12 invalidity ^[14] - 5:11, 11:18, 11:21, 12:25, 16:11, 21:1, 21:2, 21:6, 21:15, 22:4, 22:25, 23:8, 26:22, 27:16 invites ^[1] - 28:17 IP ^[1] - 13:15 irrelevant ^[2] - 11:13, 14:14 issue ^[17] - 5:15, 5:16, 5:19, 7:17, 7:21, 9:2, 12:18, 13:21, 15:10, 17:5, 17:17, 18:2, 20:10, 24:2, 24:7, 26:14, 29:23 issues ^[13] - 6:11, 7:6, 8:2, 8:25, 9:6, 9:22, 11:16, 12:25, 13:5, 17:22, 19:12, 20:19, 26:13 itself ^[1] - 18:17 IV ^[3] - 2:9, 2:10, 3:12</p>	<p>3:14, 3:15 knowing ^[2] - 16:6, 27:25 knowledge ^[1] - 15:20</p>
<p>F</p> <p>F.3d ^[2] - 15:18, 28:22 facilitate ^[1] - 16:10 fact ^[3] - 7:23, 18:17, 20:24 factual ^[1] - 16:6 factually ^[1] - 16:22 Fahrenheit ^[2] - 24:6, 24:8 fall ^[1] - 22:3 familiar ^[4] - 5:22, 5:25, 18:11, 30:1 far ^[1] - 10:20 Federal ^[5] - 11:6, 11:9, 15:19, 28:22, 28:23 feedback ^[3] - 12:5, 12:6 fellows ^[1] - 29:22 FEREYDUN ^[1] - 1:3 few ^[1] - 17:13 Fifth ^[1] - 2:13 figured ^[1] - 8:4 figuring ^[1] - 5:10 file ^[4] - 11:12, 14:5, 16:8, 18:17 filed ^[1] - 14:9 final ^[3] - 23:14, 27:12, 27:16 finally ^[1] - 19:18 fine ^[1] - 7:23 first ^[7] - 4:6, 5:9, 15:22, 18:7, 20:24, 23:5, 29:13 fits ^[1] - 6:17 five ^[1] - 19:8 floating ^[1] - 20:13 focus ^[3] - 13:4, 18:25, 19:12 focusing ^[1] - 7:25 follow ^[1] - 21:15 followed ^[1] - 16:2 FOR ^[3] - 1:2, 2:2, 2:12 forced ^[1] - 16:12 foregoing ^[1] - 32:4 forth ^[3] - 24:25, 25:7, 26:21 forward ^[5] - 7:7, 20:24, 27:7, 27:14, 30:15 frankly ^[1] - 20:1 front ^[1] - 12:15</p>	<p>G</p> <p>generally ^[1] - 5:23 given ^[1] - 4:22 Goods ^[4] - 15:18, 18:11, 23:12, 23:24 granted ^[1] - 13:20 greater ^[1] - 9:6 groundwork ^[1] - 26:15 guidance ^[1] - 9:1 guise ^[1] - 28:8</p>	<p>I</p> <p>identified ^[1] - 18:2 identify ^[3] - 3:7, 9:17, 17:8 immediately ^[1] - 19:9 important ^[4] - 7:20, 13:20, 18:12, 28:19 improperly ^[1] - 9:2 IN ^[1] - 1:1 include ^[3] - 7:10, 7:11, 17:5 inconsistent ^[1] - 11:6 independent ^[3] - 5:17, 5:19, 13:23 inform ^[1] - 24:1 information ^[10] - 14:12, 16:19, 16:21, 22:13, 23:16, 23:21, 27:18, 28:11, 29:1, 29:3 informed ^[1] - 24:15 infringe ^[2] - 14:12, 16:17 infringement ^[34] - 5:10, 8:6, 8:18, 9:18, 11:17, 11:21, 12:10, 12:11, 12:25, 13:10, 15:22, 16:11, 17:10, 20:24, 20:25, 21:3, 21:7, 21:15, 21:18, 22:4, 22:11, 22:24, 23:6, 24:12, 24:14, 26:14, 26:22, 27:7, 27:9, 27:16, 28:1, 29:11, 29:15, 30:13 infringes ^[2] - 8:1, 8:14 initial ^[3] - 9:15, 9:25, 27:1 instance ^[1] - 27:3 instances ^[1] - 27:6 Intel ^[17] - 2:18, 3:3, 3:20, 3:23, 7:1, 8:1, 8:11, 8:14, 9:22, 10:1, 12:7, 12:8, 16:16, 18:1, 20:4 INTEL ^[1] - 1:6</p>	<p>J</p> <p>Janssen ^[1] - 13:18 Jeff ^[5] - 3:14, 15:9, 15:13, 20:7, 23:11 Jeffrey ^[1] - 2:2 job ^[1] - 5:12 joined ^[1] - 3:21 Jordan ^[2] - 2:15, 3:22 JUDGE ^[1] - 1:18 Judge ^[2] - 3:4, 4:1 judgment ^[3] - 9:8, 13:11, 23:14 July ^[6] - 12:20, 22:19, 22:20, 25:12, 25:13, 25:24 June ^[2] - 1:5, 22:18 jurisdiction ^[1] - 4:19</p>	<p>L</p> <p>lacks ^[1] - 23:19 language ^[1] - 11:11 last ^[1] - 10:15 late ^[2] - 21:25, 22:2 Laughter ^[1] - 5:5 Law ^[1] - 2:10 law ^[1] - 11:7 lawyers ^[1] - 25:15 lay ^[2] - 10:9, 26:15 lead ^[2] - 3:22, 15:15 leading ^[1] - 4:3 least ^[1] - 25:6 level ^[2] - 17:4, 23:3 Lexos ^[1] - 13:15 limit ^[2] - 5:12, 6:24 limitations ^[2] - 6:23, 28:16 limited ^[1] - 24:6 limiting ^[1] - 7:1 line ^[1] - 26:4 list ^[2] - 5:10, 6:5 listed ^[1] - 9:19 litigation ^[2] - 28:13, 29:7 LLP ^[3] - 2:3, 2:7, 2:16 local ^[3] - 4:4, 4:23, 21:13 look ^[7] - 14:21, 18:13, 19:21, 25:3, 25:5, 25:7, 30:15 looking ^[5] - 16:8, 16:14, 21:22, 22:12, 28:6 loop ^[2] - 12:5, 12:6 loops ^[1] - 12:5 Love ^[6] - 2:2, 3:14, 15:9, 15:13, 20:7, 23:11 LOVE ^[5] - 3:14, 15:9, 15:13, 20:7, 23:11 love ^[1] - 27:6 love's ^[1] - 19:18 Luke ^[4] - 2:9, 2:10, 3:12</p>
	<p>H</p> <p>Hale ^[3] - 2:16, 3:22, 3:23 hand ^[3] - 16:15, 18:1, 24:23 hang ^[2] - 20:8, 25:10 happy ^[1] - 30:8 hard ^[1] - 7:16 hear ^[1] - 10:12 HEARING ^[1] - 1:15 hearing ^[3] - 4:3, 5:8, 10:10 heightened ^[1] - 17:19 help ^[1] - 18:24 helpful ^[1] - 10:16 helpfulness ^[1] - 15:16 Herbold ^[2] - 2:12, 3:21 Hernandez ^[2] - 3:4, 4:1 HERNANDEZ ^[1] - 1:17 herring ^[1] - 19:7 hiding ^[1] - 24:12 high ^[1] - 23:3 hillerich ^[1] - 15:18 Hirsch ^[2] - 2:15, 3:22 history ^[4] - 11:12, 14:5, 16:9, 18:17 hold ^[1] - 29:21 holding ^[1] - 23:13 Honor ^[37] - 3:10, 3:16, 3:25, 4:8, 4:13, 4:16, 5:2, 5:18, 6:8, 7:15, 8:19, 9:12, 10:5, 10:13, 10:16, 11:8, 11:15, 12:22, 14:23, 15:9, 18:4, 20:7, 20:15, 21:5, 21:20, 22:15, 23:11, 25:17, 25:19, 25:23, 26:9, 26:11, 26:19,</p>		<p>K</p> <p>Kathleen ^[2] - 2:6, 3:17 keep ^[2] - 6:1, 29:22 kind ^[2] - 5:21, 8:23 kinds ^[1] - 9:10 Klarquist ^[3] - 2:3,</p>	<p>M</p> <p>MA ^[1] - 2:17 ma'am ^[1] - 4:11 manner ^[1] - 27:4 map ^[1] - 10:10 MARCO ^[1] - 1:17 Mark ^[2] - 2:2, 3:15</p>

<p>Markman [3] - 4:3, 5:7, 10:10</p> <p>Markowitz [2] - 2:12, 3:21</p> <p>Mashhood [1] - 3:23</p> <p>mashood [1] - 2:18</p> <p>massive [1] - 19:24</p> <p>matches [1] - 6:18</p> <p>matter [3] - 3:2, 24:8, 24:10</p> <p>McAndrew [7] - 2:6, 3:16, 3:17, 8:19, 8:20, 9:12, 9:14</p> <p>mean [2] - 11:22, 23:20</p> <p>meaningful [2] - 15:21, 26:24</p> <p>meaningless [1] - 28:24</p> <p>meantime [1] - 25:5</p> <p>measure [1] - 24:5</p> <p>Media [1] - 13:15</p> <p>meet [2] - 19:2, 27:9</p> <p>merits [1] - 26:7</p> <p>Michael [9] - 2:15, 3:21, 4:16, 10:14, 14:23, 18:4, 21:21, 25:23, 26:20</p> <p>Micro [2] - 28:22, 28:24</p> <p>might [1] - 26:13</p> <p>mind [1] - 26:17</p> <p>minds [1] - 6:1</p> <p>minimum [1] - 24:17</p> <p>moment [1] - 25:10</p> <p>Monday [5] - 9:24, 16:18, 17:14, 17:16, 24:16</p> <p>months [2] - 24:13, 29:10</p> <p>morning [6] - 3:2, 3:10, 3:20, 3:24, 3:25, 4:1</p> <p>MorphoSys [1] - 13:18</p> <p>MOTLEY [1] - 3:12</p> <p>Motley [4] - 2:9, 2:10, 3:12</p> <p>move [1] - 9:5</p> <p>moving [1] - 7:7</p> <p>MR [40] - 3:10, 3:12, 3:14, 3:16, 3:25, 4:8, 4:11, 4:16, 5:17, 6:8, 7:12, 7:14, 8:7, 8:9, 8:19, 9:12, 10:13, 14:23, 15:9, 15:13, 18:4, 18:7, 20:7, 20:15, 20:22, 21:20, 22:15, 23:11, 25:17, 25:21, 25:23, 26:2, 26:9, 26:11, 26:19,</p>	<p>29:19, 30:19, 30:24, 31:3, 31:4</p> <p>MS [1] - 3:20</p> <p>must [1] - 25:15</p> <p>MyMedical [1] - 13:16</p>	<p>15:4, 20:1, 21:5, 23:21, 27:22, 28:13, 29:24</p> <p>One [1] - 2:7</p> <p>ones [1] - 18:8</p> <p>oOo [1] - 32:1</p> <p>operate [1] - 22:23</p> <p>operation [1] - 11:12</p> <p>opinion [1] - 9:3</p> <p>opportunity [5] - 23:17, 24:9, 27:13, 28:7, 29:14</p> <p>opposed [1] - 7:25</p> <p>OR [3] - 2:4, 2:14, 2:20</p> <p>order [12] - 6:7, 6:11, 7:3, 7:4, 7:6, 8:17, 10:2, 10:6, 16:10, 17:17, 17:19, 17:21</p> <p>ordinary [2] - 14:21, 15:4</p> <p>OREGON [1] - 1:2</p> <p>Oregon [2] - 1:6, 32:13</p> <p>original [1] - 32:6</p> <p>otherwise [1] - 28:4</p> <p>ought [1] - 16:20</p> <p>outside [1] - 7:22</p> <p>own [2] - 14:10, 14:13</p>	<p>16:8, 20:17, 21:8, 21:11, 21:12, 21:13, 21:14, 23:25, 24:4, 24:6</p> <p>Patrick [4] - 2:6, 3:16, 8:19, 9:13</p> <p>pause [1] - 25:11</p> <p>PC [3] - 2:10, 2:12, 3:13</p> <p>person [1] - 14:21</p> <p>perspective [3] - 11:16, 30:18, 30:22</p> <p>pertinent [2] - 16:19, 17:10</p> <p>Phillips [4] - 11:8, 11:9, 14:3, 18:15</p> <p>Pickering [1] - 2:16</p> <p>piece [2] - 14:6, 29:9</p> <p>place [3] - 8:22, 9:4, 29:13</p> <p>places [1] - 19:21</p> <p>plain [1] - 11:11</p> <p>plaintiff [6] - 3:9, 4:7, 5:9, 14:8, 21:16, 25:14</p> <p>PLAINTIFF [1] - 2:2</p> <p>plaintiffs [21] - 6:5, 6:9, 8:20, 9:16, 11:4, 12:9, 15:2, 15:14, 16:5, 16:13, 16:21, 18:8, 19:5, 19:13, 20:11, 20:20, 22:24, 23:10, 29:2, 29:16, 30:19</p> <p>Plaintiffs [1] - 1:4</p> <p>plaintiffs' [3] - 12:23, 27:5, 30:17</p> <p>planning [1] - 26:12</p> <p>plausible [1] - 12:11</p> <p>play [1] - 29:21</p> <p>plenty [2] - 29:13, 29:14</p> <p>point [11] - 5:24, 7:2, 10:15, 10:16, 16:3, 16:7, 16:9, 23:13, 23:23, 23:24, 29:23</p> <p>points [1] - 18:5</p> <p>Portland [4] - 1:6, 2:4, 2:14, 2:20</p> <p>position [3] - 19:16, 20:15, 27:5</p> <p>positions [7] - 12:15, 13:2, 15:3, 26:25, 28:10, 28:25, 29:1</p> <p>possibility [1] - 10:5</p> <p>possible [4] - 12:14, 12:15, 12:17, 13:23</p> <p>prefer [2] - 26:16, 30:3</p> <p>prepare [1] - 29:14</p> <p>prepared [5] - 17:3,</p>	<p>17:16, 19:8, 19:9, 21:2</p> <p>preparing [2] - 27:23, 27:25</p> <p>PRESENT [1] - 2:18</p> <p>present [2] - 3:6, 21:2</p> <p>presented [1] - 21:3</p> <p>preserve [1] - 29:2</p> <p>presiding [1] - 3:4</p> <p>prevent [1] - 29:8</p> <p>prevents [1] - 28:11</p> <p>previously [1] - 30:11</p> <p>primary [2] - 11:15, 26:23</p> <p>proceed [1] - 19:10</p> <p>PROCEEDINGS [1] - 1:16</p> <p>proceedings [3] - 25:11, 31:7, 32:5</p> <p>process [10] - 11:5, 11:19, 14:2, 15:11, 15:17, 15:21, 19:11, 19:25, 20:2, 23:7</p> <p>produce [9] - 17:3, 17:16, 17:20, 19:19, 20:4, 21:25, 22:1, 24:18, 24:22</p> <p>producing [2] - 11:1, 16:19</p> <p>product [9] - 6:19, 7:17, 7:20, 8:1, 8:12, 8:14, 15:17, 15:21, 24:1</p> <p>production [8] - 9:22, 11:4, 22:1, 22:6, 22:10, 22:22, 23:5, 29:10</p> <p>productive [2] - 26:13, 27:22</p> <p>products [9] - 11:13, 14:14, 18:13, 18:21, 21:10, 22:23, 23:16, 23:18, 23:22</p> <p>proper [2] - 11:13, 18:14</p> <p>proposal [2] - 12:22, 14:18</p> <p>proposals [3] - 10:25, 12:13, 26:21</p> <p>propose [12] - 12:19, 12:20, 19:6, 19:7, 21:23, 21:24, 22:19, 22:20, 22:21, 23:4, 29:23, 30:2</p> <p>proposed [16] - 6:20, 7:5, 10:3, 11:18, 11:22, 12:23, 13:24, 16:4, 19:9, 21:24, 23:4, 27:15, 28:1, 28:3, 28:9, 28:15</p>
	<p>N</p> <p>name [1] - 10:22</p> <p>Nancy [1] - 32:11</p> <p>nancy [1] - 2:19</p> <p>NANCY [1] - 32:12</p> <p>narrow [1] - 19:12</p> <p>narrowly [1] - 28:5</p> <p>necessarily [1] - 14:25</p> <p>necessary [2] - 8:13, 18:21</p> <p>need [21] - 5:7, 5:21, 6:5, 6:6, 6:13, 6:22, 7:6, 7:19, 8:10, 8:16, 8:25, 11:5, 14:12, 15:10, 17:2, 22:8, 24:6, 27:7, 30:18, 30:23</p> <p>new [2] - 28:11, 29:1</p> <p>next [4] - 10:4, 25:8, 26:15, 30:9</p> <p>nice [1] - 13:19</p> <p>non [5] - 9:18, 17:10, 24:12, 24:14, 27:7</p> <p>non-infringement [5] - 9:18, 17:10, 24:12, 24:14, 27:7</p> <p>note [4] - 3:6, 18:12, 26:4, 29:20</p> <p>nothing [1] - 30:19</p> <p>November [2] - 12:21, 23:2</p> <p>number [6] - 5:13, 6:25, 7:1, 9:21, 27:6, 28:20</p>			
	<p>O</p> <p>O2 [2] - 28:22, 28:24</p> <p>obviously [3] - 22:18, 26:16, 29:25</p> <p>occurs [1] - 8:23</p> <p>October [2] - 22:25, 27:16</p> <p>OF [2] - 1:2, 1:16</p> <p>Offices [1] - 2:10</p> <p>Official [1] - 32:13</p> <p>often [2] - 12:25, 19:6</p> <p>once [4] - 10:8, 12:9, 21:3, 28:4</p> <p>one [19] - 4:22, 5:15, 5:16, 5:17, 5:19, 5:25, 6:15, 9:16, 10:5, 12:24, 13:23,</p>	<p>P</p> <p>p.m [1] - 25:25</p> <p>Pacific [2] - 25:25, 26:1</p> <p>pages [2] - 17:8, 17:13</p> <p>parameters [1] - 25:9</p> <p>part [4] - 7:8, 13:1, 21:6, 28:2</p> <p>particular [9] - 4:21, 8:15, 10:21, 10:23, 12:1, 14:22, 17:8, 19:4</p> <p>particularly [1] - 4:24</p> <p>parties [22] - 10:3, 10:6, 10:17, 12:19, 21:23, 21:24, 22:2, 22:19, 22:20, 23:3, 23:15, 24:1, 26:21, 26:25, 27:23, 27:24, 28:6, 28:7, 28:15, 28:17, 28:24</p> <p>parties' [3] - 12:14, 13:2, 28:13</p> <p>parts [1] - 19:23</p> <p>party [1] - 27:11</p> <p>party's [1] - 28:4</p> <p>patent [22] - 4:5, 4:22, 5:15, 6:18, 8:1, 8:11, 8:15, 11:11, 12:1, 14:5, 14:10, 14:13,</p>		

<p>proposes [1] - 11:21 proposing [2] - 12:19, 24:11 propounded [1] - 9:23 protection [1] - 17:19 protective [8] - 7:3, 7:4, 7:6, 10:2, 10:6, 17:17, 17:18, 17:21 provides [3] - 11:9, 13:19, 15:21 publicly [1] - 8:12 pulling [1] - 25:24 pushed [1] - 22:19 pushing [1] - 7:23 put [3] - 4:2, 10:18, 28:16 putting [1] - 28:16</p>	<p>regularly [1] - 30:1 regulates [1] - 10:23 regulator [4] - 10:22, 12:2, 17:6 relate [1] - 11:16 relation [1] - 15:24 relatively [2] - 10:21, 17:13 relevant [9] - 13:5, 13:21, 15:1, 15:8, 16:11, 19:23, 21:23, 22:16 rely [1] - 17:11 remind [1] - 4:10 Renee [2] - 2:12, 3:20 repeatedly [2] - 27:13, 28:19 repeats [1] - 18:18 report [2] - 13:13, 28:21 Reporter [1] - 32:13 REPORTER [2] - 2:19, 4:9 reporter [2] - 3:6, 4:9 requests [2] - 9:17, 9:21 required [7] - 14:1, 19:4, 19:15, 22:10, 26:25, 27:4, 28:25 requires [2] - 8:23, 24:21 requiring [1] - 28:10 resolution [5] - 8:25, 11:24, 12:17, 13:8, 16:10 resolving [2] - 13:8, 16:25 respect [3] - 17:2, 18:22, 23:12 respond [7] - 15:10, 18:5, 20:7, 23:10, 29:16, 29:17, 29:20 response [3] - 17:11, 24:16, 24:18 responses [1] - 9:23 responsive [1] - 15:5 Richtek [1] - 28:21 Riverway [1] - 2:7 RMR [2] - 2:19, 32:12 road [2] - 10:8, 10:9 Room [1] - 2:20 Rose [1] - 3:17 rose [1] - 2:6 rothauge [1] - 2:12 ROTHAUGE [1] - 3:20 Rothauge [2] - 3:21, 4:20 RTL [1] - 17:4 RTL-level [1] - 17:4 Rule [3] - 3:5, 6:11,</p>	<p>10:7 rule [1] - 18:18 rules [4] - 4:5, 4:23, 11:9, 21:13 ruling [1] - 13:3</p>	<p>S</p> <p>Salmon [1] - 2:3 sands [2] - 28:12, 29:6 schedule [20] - 4:2, 6:6, 10:7, 11:19, 11:20, 14:7, 17:24, 19:10, 20:25, 21:22, 22:13, 22:17, 25:1, 25:8, 26:22, 27:15, 29:9, 29:15, 30:7 scheduling [2] - 11:16, 26:8 schematics [3] - 9:17, 17:4, 17:9 scope [5] - 7:9, 7:14, 8:2, 13:1, 13:9 second [4] - 13:7, 18:11, 20:8, 28:10 section [1] - 13:13 see [3] - 12:15, 27:5, 31:1 selection [1] - 16:23 sense [3] - 14:17, 18:3, 28:2 sensor [1] - 24:20 sent [2] - 9:15, 9:21 sequence [2] - 21:23 set [9] - 3:5, 12:16, 13:11, 17:24, 24:25, 25:7, 26:21, 28:13, 30:6 seven [1] - 19:8 several [2] - 16:1, 16:17 Sherman [1] - 2:11 shifting [2] - 28:12, 29:6 show [2] - 13:9, 22:22 showing [1] - 27:9 side [3] - 6:10, 6:24, 10:24 side's [3] - 25:9, 27:25, 28:9 sides [3] - 4:6, 9:6, 9:13 signature [3] - 32:6, 32:7 signed [1] - 32:7 signing [1] - 32:3 simply [5] - 12:7, 19:19, 20:4, 20:5, 27:1 situation [1] - 15:5</p>	<p>skill [2] - 14:21, 15:4 someone [2] - 30:2, 30:12 sometimes [2] - 18:24, 21:6 somewhere [1] - 19:7 sooner [1] - 13:4 sorry [4] - 9:13, 22:1, 22:12, 26:1 sort [2] - 9:2, 13:19 source [4] - 17:4, 17:9, 19:22, 19:23 Sparkman [3] - 2:3, 3:14, 3:15 sparse [1] - 23:18 SPEAKER [2] - 7:13, 8:8 speaking [3] - 4:10, 4:20, 30:15 specific [5] - 6:25, 7:1, 8:6, 8:13, 8:18 specifically [3] - 6:25, 20:21, 21:17 specification [2] - 11:12, 18:16 spell [1] - 24:22 spoken [1] - 12:7 Sporting [4] - 15:18, 18:11, 23:12, 23:24 standard [1] - 17:18 standpoint [1] - 29:21 start [2] - 6:4, 10:15 starting [1] - 3:9 state [2] - 26:25, 28:25 State [1] - 2:16 STATES [2] - 1:1, 1:18 states [1] - 15:20 States [1] - 2:19 step [1] - 15:22 stick [1] - 28:25 straightforward [1] - 10:21 Street [3] - 2:3, 2:10, 2:16 subject [1] - 17:20 submit [7] - 12:22, 15:2, 15:5, 22:10, 22:24, 22:25, 29:11 submitted [2] - 22:7, 27:20 substance [2] - 23:22, 23:25 sufficient [1] - 22:22 sufficiently [1] - 8:5 suggesting [1] - 20:11 suggestion [3] - 11:4, 19:18, 20:3 suggests [1] - 10:22 suit [1] - 29:13</p>	<p>Suite [3] - 2:4, 2:8, 2:13 summary [2] - 9:8, 13:11 summersgill [1] - 2:15 Summersgill [8] - 3:22, 4:17, 10:14, 14:24, 18:5, 21:21, 25:24, 26:20 SUMMERSGILL [17] - 3:25, 4:16, 10:13, 14:23, 18:4, 18:7, 20:15, 20:22, 21:20, 22:15, 25:23, 26:2, 26:9, 26:11, 26:19, 30:24, 31:3 supplied [1] - 23:15 support [2] - 9:18, 9:20 supporting [1] - 24:17 supposed [3] - 11:10, 14:4, 15:8 susceptible [2] - 11:23, 13:7 system [1] - 20:16</p>	
<p>Q</p> <p>quickly [3] - 9:9, 19:19, 25:3 quite [1] - 21:17</p>						
<p>R</p> <p>Rassam [3] - 2:18, 3:23, 26:4 rather [1] - 13:4 read [2] - 25:5, 25:6 ready [5] - 11:4, 17:22, 21:17, 24:25, 25:7 real [3] - 12:16, 26:25, 28:10 realistic [2] - 19:20, 20:5 really [12] - 7:14, 8:3, 8:21, 8:25, 10:9, 16:6, 18:2, 25:3, 26:7, 26:23, 27:11, 27:13 reason [2] - 14:8, 20:22 reasons [8] - 4:22, 12:24, 14:16, 16:18, 20:1, 21:5, 27:22, 30:6 receiving [1] - 29:10 recently [1] - 25:6 record [4] - 3:8, 23:16, 23:18, 32:4 Records [1] - 13:16 red [1] - 19:7 redo [1] - 28:5 reduce [2] - 20:2, 20:3 refer [2] - 15:15, 28:12 reference [1] - 18:19 referred [1] - 27:6 regarding [4] - 4:5, 10:1, 14:20, 18:21</p>						
					<p>T</p> <p>TABAIAN [1] - 1:3 Tabaian [1] - 3:3 tailor [1] - 16:23 technical [7] - 5:25, 21:25, 22:6, 22:9, 22:22, 23:5, 29:10 technology [8] - 5:22, 6:2, 10:17, 10:19, 10:20, 20:11, 20:12, 21:19 teeth [1] - 11:22 TELEPHONIC [1] - 1:15 temperature [7] - 12:3, 12:4, 19:3, 19:14, 24:4, 24:20, 27:4 term [2] - 9:1, 14:22 terms [18] - 5:12, 5:13, 6:17, 7:19, 8:24, 12:19, 13:21, 16:13, 16:23, 18:25, 19:6, 19:8, 21:24, 22:16, 22:20, 23:4, 29:24 testifying [1] - 14:20 Texas [3] - 3:11, 29:21 THE [41] - 1:1, 1:2, 1:17, 2:2, 2:12, 3:2, 3:19, 3:24, 4:1, 4:9, 4:14, 5:3, 5:6, 5:20, 7:8, 8:4, 8:16, 9:10, 10:11, 14:19, 15:12,</p>	

18:6, 20:6, 20:8, 20:20, 21:16, 22:12, 23:9, 24:24, 25:12, 25:13, 25:20, 25:22, 26:1, 26:7, 26:10, 26:17, 29:16, 30:10, 30:21, 31:1 theirs ^[1] - 30:7 theories ^[1] - 28:18 theory ^[5] - 24:13, 24:14, 24:18, 27:1, 28:7 they've ^[2] - 21:3, 24:14 Third ^[1] - 2:20 third ^[3] - 7:3, 14:6, 29:9 three ^[1] - 12:23 throughout ^[1] - 27:2 tied ^[1] - 27:23 tier ^[2] - 17:18, 17:21 timing ^[5] - 6:21, 7:15, 11:16, 11:17, 26:22 titled ^[1] - 32:5 today ^[3] - 6:14, 7:5, 10:1 together ^[6] - 4:2, 5:7, 6:18, 10:18, 25:2 towards ^[1] - 9:6 TRANSCRIPT ^[1] - 1:16 transcript ^[2] - 32:4, 32:6 Travis ^[1] - 2:10 trial ^[2] - 3:22, 23:15 true ^[4] - 13:22, 14:1, 14:3, 24:8 try ^[4] - 4:2, 7:5, 10:6, 15:6 trying ^[4] - 7:18, 7:22, 10:2, 29:2 turn ^[3] - 5:9, 20:8, 28:2 turning ^[3] - 4:6, 6:4, 20:9 turns ^[1] - 24:4 tutorial ^[2] - 10:19, 10:25 two ^[7] - 11:15, 17:8, 17:18, 17:21, 18:9, 23:20, 29:10 two-tier ^[2] - 17:18, 17:21 two-week ^[1] - 18:9 TX ^[2] - 2:8, 2:11 type ^[2] - 10:21, 12:2 types ^[2] - 7:22, 17:8 typical ^[1] - 21:14 typically ^[3] - 4:20, 15:6, 19:5	<div style="text-align: center;">U</div> ultimately ^[1] - 13:25 under ^[5] - 12:11, 13:5, 14:3, 28:8, 29:15 understandable ^[1] - 6:3 UNIDENTIFIED ^[2] - 7:13, 8:8 United ^[1] - 2:19 UNITED ^[2] - 1:1, 1:18 unless ^[1] - 28:24 up ^[4] - 4:3, 12:16, 13:11, 25:24 uses ^[1] - 12:2
	<div style="text-align: center;">V</div> valid ^[2] - 8:25, 9:7 validity ^[2] - 26:14, 28:1 various ^[1] - 6:10 versus ^[1] - 3:3 view ^[2] - 21:7, 26:24 visit ^[1] - 25:8 voltage ^[6] - 10:22, 10:23, 12:2, 12:6, 17:6 vs ^[1] - 1:5
	<div style="text-align: center;">W</div> wait ^[2] - 26:16 walk ^[1] - 10:19 Walker ^[2] - 2:19, 32:11 WALKER ^[1] - 32:12 Washington's ^[1] - 4:4 week ^[2] - 10:4, 18:9 welcome ^[1] - 29:18 Western ^[1] - 4:4 whole ^[1] - 21:22 Wilmer ^[3] - 2:16, 3:22, 3:23 Wilson ^[10] - 2:2, 3:15, 15:17, 18:11, 18:12, 18:17, 18:20, 23:12, 23:23, 25:6 works ^[3] - 25:18, 26:3, 30:7 worried ^[1] - 7:25 worry ^[1] - 5:4 Wright ^[3] - 2:7, 3:11, 3:17
	<div style="text-align: center;">Y</div> yourself ^[1] - 3:7